

### **Ground Rules for Demand Management Workgroup Participation**

- 1) The Workgroup participants acknowledge that they share common interests with the Colorado Water Conservation Board in the Colorado River resource to the extent that they believe it is in their mutual best interests to cooperate with each other to help the CWCB identify and frame issues relating to the feasibility of a potential Colorado River Demand Management program within Colorado.
- 2) Workgroup participants understand that they will act only in an advisory capacity. Consistent with the Statement of Support and Policy regarding Demand Management (November 2018), the Colorado Water Conservation Board retains the right to make all final decisions regarding the feasibility of Demand Management within Colorado.
- 3) CWCB has appointed a Project Management Team to oversee the 2019 Colorado Demand Management Feasibility Investigation Work Plan, including the formation and implementation of Workgroups to help identify and frame primary issues to be considered and evaluated.
- 4) The Project Management Team has appointed Facilitators to coordinate each Workgroup's activities. The Facilitator will decide how meetings will operate consistent with guidance from the Project Management Team.
- 5) The operation of Workgroups will be discussed at the first meeting. Generally:
  - a. Workgroup participants are expected to attend as many meetings as possible in person or via webinar or phone (if available).
  - b. Workgroups are anticipated to meet at least four times between now and June 30, 2020. These meetings will be focused on, among other things: (1) identifying key issues or concerns to consider related to the topic of the Workgroup; (2) outlining possible alternatives for addressing or analyzing the issues or concerns; (3) noting the opportunities, challenges, risks, etc. associated with each alternative. The Workgroup Facilitator will coordinate meeting places, timing and material needs. While Workgroup participants will not be reimbursed for their time or travel, budget for meeting places, food, drink and materials as appropriate will be available.
  - c. Workgroup participants may also be asked from time to time to assist the Project Management Team and Facilitators if needed during presentation of materials and discussion of the Demand Management information at public workshops and meetings.
- 6) The work of each Workgroup is pre-decisional and deliberative. To encourage meaningful and frank discussions without attribution, participants are expected to participate within the Workgroup in a limited disclosure setting as set forth in the Demand Management Feasibility Workgroup Disclosure Agreement (attached) until CWCB staff has prepared the information for public dissemination and consideration, provided that if a Workgroup participant has a need to disclose information that is outside of, or in addition to, the public statement described in Paragraph 4 of the Disclosure Agreement prior to public CWCB workshops or meetings, that participant will notify the Project Management Team to work through a mutually agreeable process for disclosure and dissemination. This also applies to former participants who are no longer part of a Workgroup.
- 7) Any Workgroup Participant that cannot conduct business in a respectful manner or in line with these Ground Rules may be asked to leave the Workgroup.

DEMAND MANAGEMENT FEASIBILITY WORKGROUP  
DISCLOSURE AGREEMENT

This Agreement is entered into by and between the Director of the Colorado Water Conservation Board (CWCB) and \_\_\_\_\_, (Participant) in his or her capacity as a participant in the \_\_\_\_\_ Workgroup (collectively, the Parties) for the purpose of governing the sharing of information developed and discussed among the participants in the Workgroup. The Parties agree as follows:

1. The Parties acknowledge that they share common interests in the Colorado River resource to the extent that they believe it is in their mutual best interests to cooperate with each other to help the CWCB identify and frame issues relating to the feasibility of a potential Colorado River Demand Management program within Colorado.

2. Participant acknowledges that the purpose of the Workgroup is to help CWCB staff identify and frame the complex issues associated with Demand Management feasibility for public and Board consideration. No policies will be formulated or recommended. To insure candid discussions and free exchange of information within the Workgroup, Participant agrees to participate within the Workgroup in a non-attribution and limited disclosure setting.

3. The work of each Workgroup is intended to be pre-decisional and deliberative. All discussions and materials shared in Workgroup meetings, any related investigations or studies commissioned through the Workgroup process, and any information shared via telephone, email, webinar, or other information, whether oral, written or electronic, that has been developed as part of the Workgroup process (Shared Information) shall not be disclosed to non-Workgroup participants except as provided in this Agreement. Experts and consultants employed or consulted on behalf of the Workgroup are considered participants for this purpose and will be required to agree to this process for disclosure.

4. Within a week of each Workgroup meeting, or as soon as reasonably practicable thereafter upon consulting with and providing an opportunity for review and comment by Workgroup participants, the Project Management Team will distribute a written public statement outlining the subject matter of the Workgroup meeting. This statement will not include any specific results or draw any conclusions regarding the meeting. Nor will it attribute any positions or ideas to any Workgroup participant, Project Management Team member, or consultant who may have participated in the meeting. The statement shall be issued as a public statement and, except to the extent set forth in Paragraphs 6-8 below, shall provide the basis and limit of permissible communication with the public by the Workgroup participants about the Workgroup meeting and process.

5. The Project Management Team may disclose Shared Information if and when it determines that it is timely and appropriate to educate and receive feedback from interested stakeholders at public workshops or other forums pursuant to the 2019 Demand Management Workplan, or to inform and advise the CWCB Board of Directors, the Colorado Department of Natural Resources Executive Director, or the Upper Colorado River Commission as part of the ongoing process for determining the feasibility of a Demand Management program within Colorado.

6. If Participant has a professional or official duty, obligation, or requirement to his or her employer or organization that would otherwise necessitate Participant to disclose Shared Information to continue to effectively operate in his or her official capacity while also participating in the Workgroup, Participant may disclose Shared Information to Participant's client, board, or other entity to which he or

she must report so long as such disclosure can be conducted in a non-public forum and neither the identity nor the affiliation of the source of Shared Information is revealed.

7. If Participant has a professional or official duty or need to disclose information in a public setting beyond the public statement prior to public workshops or meetings conducted by the CWCB, Participant will notify the Project Management Team and the Parties will work through a mutually agreeable process for disclosure and dissemination. This also applies to former Participants who are no longer part of a Workgroup.

8. Nothing in this Agreement shall preclude Participant from pursuing independently any subject matter, including subjects reflected in Shared Information obtained by or subject to this Agreement or using or disclosing any information, documents, investigations, or any other materials independently obtained or developed by such Party.

9. When the work product of a Workgroup is ready for consideration by the CWCB Board or the public, neither the identity nor the affiliation of the source of Shared Information may be revealed.

10. The Participant recognizes and acknowledges that if s/he receives a request for information regarding Workgroup discussions and/or materials under applicable open records laws, s/he will notify and coordinate with the CWCB's Demand Management Project Management Team to coordinate the appropriate lawful response.

11. The Participant may withdraw from this Agreement at any time by giving written notice to the other Parties; provided however, that the Participant shall continue to respect the disclosure requirements for the Shared Information.

\_\_\_\_\_  
Rebecca Mitchell  
Director Colorado Water Conservation Board

Date \_\_\_\_\_

\_\_\_\_\_  
INSERT NAME  
PARTICIPANT

Date \_\_\_\_\_